

# SENATE BILL No. 810

November 10, 2011, Introduced by Senator HANSEN and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 4, 381, and 642a (MCL 168.4, 168.381, and 168.642a), section 4 as amended by 2010 PA 181, section 381 as amended by 2010 PA 184, and section 642a as amended by 2010 PA 222; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. As used in this act:

2           (a) "School board" means the governing body of a school  
3 district, including the board of trustees of a community college.

4           (b) "School board member" means an individual holding the  
5 office of school board member under the revised school code, 1976  
6 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees  
7 member under the community college act of 1966, 1966 PA 331, MCL  
8 389.1 to 389.195. School board member includes a school board

1 member of an intermediate school district if that intermediate  
2 school district has adopted sections 615 to 617 of the revised  
3 school code, 1976 PA 451, MCL 380.615 to 380.617.

4 (c) "School district" means a school district, a local act  
5 school district, or an intermediate school district, as those terms  
6 are defined in the revised school code, 1976 PA 451, MCL 380.1 to  
7 380.1852, or a community college district under the community  
8 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

9 (d) "School district election coordinating committee" means 1  
10 of the following:

11 (i) For a school district whose entire territory lies within a  
12 single city or township, a committee composed of the secretary of  
13 the school board or his or her designee, the city or township  
14 election commission, and the school district election coordinator.

15 (ii) For a school district that has territory in more than 1  
16 city or township, a committee composed of the secretary of the  
17 school board or his or her designee, the school district election  
18 coordinator, and the clerk of each city or township in which school  
19 district territory is located.

20 (e) "School district election coordinator" means 1 of the  
21 following:

22 (i) For a school district whose entire territory lies within a  
23 single city or township, the city or township clerk.

24 (ii) For a school district that has territory in more than 1  
25 city or township, the county clerk of the county in which the  
26 largest number of registered school district electors reside.

27 ~~(f) "September election" means the election held on the first~~

1 ~~Tuesday after the second Monday in September in an odd year for the~~  
2 ~~election of village offices.~~

3 (F) ~~(g)~~-"Special election" means an election to elect an  
4 individual to, or nominate an individual for, a partial term in  
5 office or to submit a ballot question to the electors.

6 (G) ~~(h)~~-"Special primary" means a primary called by competent  
7 authority for the nomination of candidates to be voted for at a  
8 special election.

9 (H) ~~(i)~~-"Uniform voting system" means the voting system that  
10 is used at all elections in every election precinct throughout the  
11 state.

12 (I) ~~(j)~~-"Village" is defined in section 9.

13 Sec. 381. (1) Except as provided in this section and sections  
14 383, 641, 642, **642A**, and 644g, the qualifications, nomination,  
15 election, appointment, term of office, and removal from office of a  
16 village officer shall be as determined by the charter provisions  
17 governing the village.

18 (2) If the membership of the village council of a village  
19 governed by the general law village act, 1895 PA 3, MCL 61.1 to  
20 74.25, is reduced to less than a quorum of 4 and a special election  
21 for the purpose of filling all vacancies in the office of trustee  
22 is called under section 13 of chapter II of the general law village  
23 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall  
24 be made as provided in this subsection. The board of county  
25 election commissioners of the county in which the largest portion  
26 of the population of the village is situated shall make temporary  
27 appointment of the number of trustees required to constitute a

1 quorum for the transaction of business by the village council. A  
2 trustee appointed under this subsection shall hold the office only  
3 until the trustee's successor is elected and qualified. A trustee  
4 who is temporarily appointed under this subsection shall not vote  
5 on the appointment of himself or herself to an elective or  
6 appointive village office.

7 (3) Notwithstanding another provision of law or charter to the  
8 contrary, an appointment to an elective or appointive village  
9 office made by a quorum constituted by temporary appointments under  
10 this subsection expires upon the election and qualification of  
11 trustees under the special election called to fill the vacancies in  
12 the office of trustee.

13 (4) Filing for a village office shall be with the township  
14 clerk if the township is conducting the election or if the village  
15 is located in more than 1 township with the township in which the  
16 largest number of the registered electors of the village reside.  
17 ~~Except as provided in subsection (5), nominating~~ **NOMINATING**  
18 petitions for village offices shall be filed with the appropriate  
19 township clerk by 4 p.m. on the twelfth Tuesday before the general  
20 November election. After a nominating petition is filed for a  
21 candidate for a village office, the candidate is not permitted to  
22 withdraw unless a written withdrawal notice, signed by the  
23 candidate, is filed with the appropriate township clerk not later  
24 than 4 p.m. of the third day after the last day for filing the  
25 nominating petition.

26 ~~—— (5) If a village council adopts a resolution in compliance~~  
27 ~~with section 642(7) to hold its regular election at the September~~

~~1 election, the nominating petitions for village offices to be filled  
2 at the September election shall be filed with the village clerk by  
3 4 p.m. on the twelfth Tuesday before the September election. After  
4 a nominating petition is filed for a candidate for a village  
5 office, the candidate is not permitted to withdraw unless a written  
6 withdrawal notice, signed by the candidate, is filed with the  
7 village clerk not later than 4 p.m. of the third day after the last  
8 day for filing the nominating petition.~~

9       Sec. 642a. (1) After December 31, 2004, a city council that  
10 adopted a resolution so that its regular election is held on the  
11 May regular election date may change its regular election to the  
12 odd year general election by adopting a resolution in compliance  
13 with section 642. If a city council adopts the resolution in  
14 compliance with section 642 to hold its regular election at the odd  
15 year general election, after December 31 of the year in which the  
16 resolution is adopted, the city's regular election is at the odd  
17 year general election.

18       (2) After December 31, 2004, a city council that holds its  
19 regular election for city offices annually or in the even year on  
20 the November regular election date may change its regular election  
21 schedule to the odd year general election and the odd year primary  
22 election by adopting a resolution in compliance with section 642.  
23 If a city council adopts the resolution in compliance with section  
24 642, the city's regular election is at the odd year general  
25 election and its primary is at the odd year primary election.

26       (3) After December 31, 2010, a city that adopted a resolution  
27 so that its regular election primary is held at the September

1 election shall hold its regular election primary at the odd year  
2 primary election.

3 (4) AFTER DECEMBER 31, 2011, A CITY THAT HOLDS ITS REGULAR  
4 ELECTION FOR CITY OFFICES ANNUALLY OR IN THE ODD YEAR ON THE  
5 NOVEMBER REGULAR ELECTION DATE MAY CHANGE ITS REGULAR ELECTION  
6 SCHEDULE TO THE EVEN YEAR GENERAL ELECTION AND THE EVEN YEAR  
7 PRIMARY ELECTION BY ADOPTING A RESOLUTION IN COMPLIANCE WITH  
8 SECTION 642. IF A CITY COUNCIL ADOPTS THE RESOLUTION IN COMPLIANCE  
9 WITH SECTION 642, AFTER DECEMBER 31 OF THE YEAR IN WHICH THE  
10 RESOLUTION IS ADOPTED, THE CITY'S REGULAR ELECTION IS AT THE EVEN  
11 YEAR GENERAL ELECTION AND ITS PRIMARY IS AT THE EVEN YEAR PRIMARY  
12 ELECTION.

13 (5) ~~(4)~~ After December 31, 2004, a school district's school  
14 board that adopted a resolution so that its regular election is  
15 held on a date other than at the odd year general election may  
16 change its regular election to the odd year general election, the  
17 general November election, the November regular election date in  
18 both even and odd years, or the odd year May regular election date  
19 by adopting a resolution in compliance with section 642. If a  
20 school board adopts the resolution in compliance with section 642  
21 to hold its regular election at the odd year general election, the  
22 general November election, the November regular election date in  
23 both even and odd years, or the odd year May regular election date,  
24 after December 31 of the year in which the resolution is adopted,  
25 the school board's school district shall hold its regular election  
26 on the election date adopted in the resolution.

27 (6) ~~(5)~~ After December 31, 2009, a school district's school

1 board that holds its regular election for the office of school  
2 board member at the odd year general election may change its  
3 regular election to the general November election by adopting a  
4 resolution in compliance with section 642. If a school board adopts  
5 the resolution in compliance with section 642 to hold its regular  
6 election at the general November election, after December 31 of the  
7 year in which the resolution is adopted, the school board's school  
8 district shall hold its regular election at the general November  
9 election.

10 ~~—— (6) After December 31, 2004, a village council that adopted a~~  
11 ~~resolution so that its regular election is held on the September~~  
12 ~~election date may change its regular election to the November~~  
13 ~~regular election date by adopting a resolution in compliance with~~  
14 ~~section 642. If a village council adopts the resolution in~~  
15 ~~compliance with section 642 to hold its regular election at the~~  
16 ~~November regular election date, after December 31 of the year in~~  
17 ~~which the resolution is adopted, the village's regular election is~~  
18 ~~at the November regular election date.~~

19 **(7) AFTER DECEMBER 31, 2011, A VILLAGE THAT ADOPTED A**  
20 **RESOLUTION SO THAT ITS REGULAR ELECTION IS HELD AT THE SEPTEMBER**  
21 **ELECTION SHALL HOLD ITS REGULAR ELECTION AT THE GENERAL NOVEMBER**  
22 **ELECTION.**

23 Enacting section 1. Section 500f of the Michigan election law,  
24 1954 PA 116, MCL 168.500f, is repealed.